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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,383	12/12/2001	Michael Wayne Brown	AUS920010830US1	2858

7590 11/20/2003
AMY PATTILLO
307 INWOOD ROAD
AUSTIN, TX 78746

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,383

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 11-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C 121:

I. Claims 1-10 drawn to Automatic Call Distribution system, classified in class 379, subclass 265.02.

II. Claims 11-37, drawn to authenticating identity matching an expert identity and routing the call to an agent/expert, classified in class 379, subclass 265.12.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a method for managing callers in a hold queue at a call center does not require the authentication the identity of the third party experts. The subcombination has separate utility such as a method for managing a plurality of experts comprising the step of authentication of an identity of a party answering the call and matching an expected expert identity can be done by itself or somewhere outside the call center environment such as at the bank.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 2642

4. During a telephone conversation with Ms. Amy Pattillo on 10/22/03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-37 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent 6,125,178).

Regarding claims 1 and 5, Walker et al. teach receiving a call at a call center (ACD 12) from a caller; placing the call on hold in a hold queue until a representative ("agent") is available (col. 3, lines 13-39); offering an incentive to the caller to an expert ("listen in" on a live call in progress, to access and search through pre-recorded calls in the same subject area or to participate in a chat room) while the call is on hold waiting for the representative (col. 6, lines 33-36). *col. 4, 6-13*

Regarding claims 2 and 6, Walker et al. teach the expert **is at least** one from among a freelance expert, a group expert ("to access and search through pre-recorded calls **in the same subject area** or to participate in a chat room" - col. 4, lines 6-13), or an emergency group expert.

Art Unit: 2642

Regarding claims 4 and 8, Walker et al. teach the incentive comprises **at least one** from among an adjustment in position within the hold queue, a financial incentive, a rewards points incentive, or a time incentive (col. 6, lines 34-37).

Claims 9 and 10 are rejected for the same reasons as discussed above with respect to claims 1 and 3. Furthermore, Walker et al. teach a recording medium (Fig. 3, 58).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 6,125,178).

Regarding claims 3 and 7, Walker et al. teach detecting the call at the top of the hold queue (col. 3, lines 34-39).

However, Walker et al. do not teach notifying the caller of an availability of the representative.

Ginsberg teaches a caller is presented with graphical display information such as agent availability, waiting time (col. 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of notifying the caller of an availability of the representative, as taught by Ginsberg, in Walker's system in order to increase

Art Unit: 2642

customer satisfaction and provide customer with a choice of whether or not to get connected with an available representative.


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shtivelman (U.S. Patent 6,535,492) teaches method and apparatus for assigning agent-led chat sessions hosted by a communication center to available agents based on message load and agent skill-set.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700

qhn

Quynh H. Nguyen
November 3, 2003